UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,242	10/31/2003	Kaoru Kijima	244666US6X	9916

22850 7590 09/07/2007

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
AGWUMEZIE, CHARLES C	
ART UNIT	**PAPER NUMBER**
3621	

NOTIFICATION DATE	DELIVERY MODE
09/07/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/697,242	KIJIMA ET AL.	
	Examiner	Art Unit	
	Charlie C. Agwumezie	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-11,14-21,24-27 and 30-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 5-11, 14-21, 24-27 and 30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/7/06 & 3/13/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2007 has been entered.

Status of Claims

2. Claims 3-4, 12-13, 22-23 and 28-29 have been cancelled.

Claims 1, 5, 10, 20 and 26 are currently amended.

Claims 1-2, 5-11, 14-21, 24-27 and 30-32 are pending in this application per the request for continued examination filed on June 14, 2007.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 5-11, 14-21, 24-27 and 30-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-11, 14-21, 24-27 and 30-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al U.S. Patent Application Publication No. 2003/0200216 A1 in view of Sugiura U.S. Patent Application Publication No. 2003/0028272 A1.

As per **claims 1, 20 and 26**, Hayes et al discloses an information service method, comprising the steps of:

recording identification information that is unique to a non-recordable data recording medium to the recording medium (figs. 9 and 10; 0023; ...unique disc identification information...; 0025; 0026; 0028; 0030);

correlatively storing the identification information and management information corresponding to the data recording medium at the management server (0028; 0024; ...the disc identification information ...is correlated with the intended recipient remote location...; 0025; 0030);

reading the identification information from the data recording medium when data is reproduced from the data recording medium (0025; 0028; 0030; ...system then reads the disc identification information...);

transmitting the identification information from the data recording medium to a communication network (fig. 19; 0025; ...reads the disc identification information and sends its unique remote identification number and disc identification information via communication link...; 0028; 0030);

receiving at the management server the transmitted identification information and reading the management information correlated with the identification information (0025; 0028; 0030; ...the client device communicates a unique identifier associated with a particular piece of media...);

providing the management information read at the management information reading step (fig. 7; 0025; 0028; 0082; 0083); and

reproducing the content data on the data recording medium in accordance with the provided management information (fig. 5; 0024; 0025; ...write encrypted data stream to media...; 0026; ...configured to write to the R-W subchannels of the control bytes...of first sector of a recordable disc...);

wherein the management information contains use limit information that represents a license of a user for content data recorded on the data recording medium (0040; stores data structure that includes license identifier ...relating to ...use of data...);

the use limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied.

What Hayes et al does not explicitly disclose:

the use limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied.

Sugiura discloses

the use limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied (0018; ...number of times of issuance is less than predetermined allowable number of times...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hayes et al and incorporate the method, wherein limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied in view of the teachings of Sugiura in order to ensure that data is used or copied according to permission granted.

As per **claims 2, 11, 21 and 27**, Hayes et al further discloses the information service method, wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light (0024;

0025; 0023; 0027).

As per **claim 5**, Hayes et al failed to explicitly disclose the information service method, further comprising:

setting the use limit information when the data recording medium is obtained,

wherein the management information that is correlated with the identification information and stored at the storing step is set in accordance with the use limit information that has been set at the use limit information setting step.

Sugiura discloses the information service method, further comprising:

setting the use limit information when the data recording medium is obtained (0018; 0094; ...predetermined allowable number of times ...),

wherein the management information that is correlated with the identification information and stored at the storing step is set in accordance with the use limit information that has been set at the use limit information setting step (0018; 0094; ...predetermined allowable number of times ...).

As per **claim 6**, Hayes et al further discloses the information service method, wherein when the data recording medium is used, the identification information is read from the data recording medium and the management information is rewritten in accordance with the identification information that has been read and a use mode (0023).

As per **claim 7**, Hayes et al further discloses the information service method, further comprising the step of:

issuing key data that allows the content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read at the management information reading step (0025; 0027; 0028).

As per **claim 8**, Hayes et al further discloses the information service method, wherein the key data issued at the key issuing step is transmitted to a reproducing side that reproduces data from the data recording medium through the communication network (0027; 0028).

As per **claims 9, 18, 25, and 31**, Hayes et al further discloses the information service method, wherein license information for content data recorded on the data recording medium is added to the key data issued at the key issuing step in accordance with the management information and transmitted through the communication network (0025; 0027; 0028; ...server encrypts electronic content using unique identifier as key...).

As per **claim 10**, Hayes et al discloses an information service system, comprising:

an identification information recording unit for recording identification information that is unique to a non-recordable data recording medium to the data recording medium (fig. 9 and 10; 0023; 0026; 0028; 0030);

an information terminal unit having:

reproducing unit configured to reproduce data from the data recording medium (fig. 5; 0159; "...write encrypted data stream to media..."), and

identification information reading unit configured to read the identification information from a reproduction output of the reproducing unit (fig. 5; 0024; 0025; 0028); and

a server unit having:

a memory configured to correlatively store the identification information and management information corresponding to the data recording medium (fig. 5; 0024; 0025; 0028), and

wherein the server unit is configured to read the management information stored by the memory in accordance with the identification information transmitted from the information terminal unit (0024; 0025; 0028; ...the client device communicates a unique identifier associated with a particular piece of media...) wherein

said terminal unit is configured to reproduce the data on the data recording medium in accordance with the provided management information (fig. 5; 0024; 0025; 0028; "...write encrypted data stream to media...");

wherein the management information contains use limit information that represents a license of a user for content data recorded on the data recording medium

(0040; stores data structure that includes license identifier ...relating to ...use of data...);

the use limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied.

What Hayes et al does not explicitly disclose:

the use limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied.

Sugiura discloses

the use limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data recording medium can be copied (0018; ...number of times of issuance is less than predetermined allowable number of times...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hayes et al and incorporate the method, wherein limit information contains at least one of the number of times the content data recorded on the recording medium can be reproduced, the reproduction expiration date and time, and the number of times the content data recorded on the data

recording medium can be copied in view of the teachings of Sugiura in order to ensure that data is used or copied according to permission granted.

As per **claim 14**, Hayes et al further discloses the information service system, further comprising:

an identification information reading unit configured to read the identification information recorded on the data recording medium and transmit the identification information to the server unit when the data recording medium is obtained (fig. 5; 0024; 0025; 0028; ...the client device communicates a unique identifier associated with a particular piece of media...).

As per **claim 15**, Hayes et al further discloses the information service system, wherein the identification information reading unit is configured to set user's license for the data recording medium and transmit the license to the server unit along with the identification information (fig. 13B; 0024; 0025; 0028).

As per **claim 16**, Hayes et al further discloses the information service system, wherein when data is reproduced from the data recording medium, the identification information that has been read from the data recording medium and information that represents a use mode of the data recording medium are transmitted from the information terminal unit to the server unit (see fig. 5; 0024; 0025; 0028), and

wherein the server unit is configured to rewrite the management information in accordance with the identification information and the information that represents the uses state that have been transmitted (fig. 5; 0024; 0025; 0028).

As per **claim 17**, Hayes et al further discloses the information service system,

wherein when data is reproduced from the data recording medium by the reproducing unit, the information terminal unit is configured to transmit the identification information that has been read by the identification information reading unit to the server unit (fig. 5; 0024; 0025; 0028; ...the client device communicates a unique identifier associated with a particular piece of media...), and

wherein the server unit is configured to issue key data that allows content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read from the memory in accordance with the identification information that has been transmitted and transmit the key data to the information terminal unit (fig. 5; 0024; 0025; 0028).

As per **claims 19 and 32**, Hayes et al further discloses the information service system, wherein the information terminal unit is configured to store a part of the management information (fig. 7; 0027; 0028).

As per **claims 24 and 30**, Hayes et al further discloses the reproducing or recording controlling method,

wherein the server unit is configured to transmit key data that has been issued by the server unit in accordance with the management information correlated with the identification information, the key data being configured to control whether to reproduce content data recorded on the data recording medium or to record the content data recorded on the data recording medium to another recording medium (0025; 0027; 0028; ...server encrypts electronic content using unique identifier as key...).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited to Ginter et al U.S. Patent Application Publication No. 2006/0212722 and Yaegashi et al U.S. Patent No. 6,499,106 B1 are a documents considered relevant to the claimed invention.

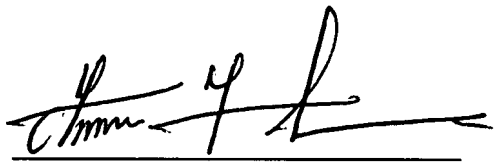
Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art ad are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Andrew Fischer** can be reached on **(571) 272 – 6779**.

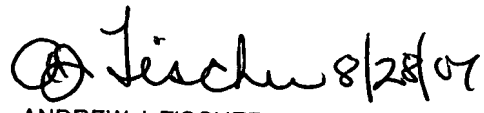
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621

Acc
August 20, 2007



ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600